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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NATIONSTAR MORTGAGE LLC;

Plaintiff,

v.

HIGHLAND RANCH HOMEOWNERS
ASSOCIATION; AIRMOTIVE
INVESTMENTS, LLC; DOE INDIVIDUALS I-
X, inclusive, and ROE CORPORATIONS I-X,
inclusive,

Defendants.

Case No.: 3:15-cv-00375-MMD-CBC

**JOINT MOTION TO EXTEND TIME TO
FILE NOTICE OF APPEAL**

Plaintiff Nationstar Mortgage LLC and Defendant Airmotive Investments, LLC, through counsel, jointly move this Court to extend the time to file a Notice of Appeal in this matter, stating as follows:

1. On March 13, 2019, this Court issued an order denying Nationstar's motion for summary judgment. (ECF No. 94)
2. Defendants had not moved for summary judgment prior to the ruling on Nationstar's motion for summary judgment, so this Court ordered the parties to file supplemental briefs by March 22, 2019 addressing whether judgment should nevertheless be entered in favor of Defendants. (*See* ECF No. 109)

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- 1 3. On March 25, 2019, this Court issued an order granting summary judgment in favor of
2 Defendants. (ECF No. 109). On that same date, this Court entered judgment in favor of the
3 Defendants and against Nationstar. *Id.*
- 4 4. Since the entry of the judgment, Nationstar and Airmotive have been negotiating an amicable
5 settlement of all claims at issue between them in this matter, have agreed to terms of a
6 settlement, and need only to document their agreement.
- 7 5. The current deadline to file a Notice of Appeal is April 24, 2019.
- 8 6. The parties to this Joint Motion desire to further discuss an amicable resolution before
9 incurring the costs associated with an appeal.
- 10 7. Fed. R. App. P. 4 provides in pertinent part as follows:

11 (5) *Motion for Extension of Time.*

12 (A) The district court may extend the time to file a notice of appeal if:

13 (i) a party so moves no later than 30 days after the time
14 prescribed by this Rule 4(a) expires; and

15 (ii) regardless of whether its motion is filed before or during
16 the 30 days after the time prescribed by this Rule 4(a) expires,
17 that party shows excusable neglect or good cause.

18 (B) A motion filed before the expiration of the time prescribed in Rule
19 4(a)(1) or (3) may be ex parte unless the court requires otherwise. If
20 the motion is filed after the expiration of the prescribed time, notice
21 must be given to the other parties in accordance with local rules.

22 (C) No extension under this Rule 4(a)(5) may exceed 30 days after the
23 prescribed time or 14 days after the date when the order granting the
24 motion is entered, whichever is later.

- 25 8. Pursuant to Fed. R. App. P. 4, Airmotive and Nationstar respectfully request this Court enter
26 an Order extending the deadline to file a Notice of Appeal of the claims between Airmotive
27 and Nationstar until May 24, 2019 or fourteen days after an order is entered upon this Joint
28 Motion.

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9. This Motion is made in good faith and not for purposes of delay.

DATED April 23, 2019.

ROGER P. CROTEAU & ASSOCIATES, LTD.	AKERMAN LLP
<p><u>/s/ Timothy Rhoda</u> ROGER P. CROTEAU, ESQ. Nevada Bar No. 4958 TIMOTHY RHODA, ESQ. Nevada Bar No. 7878 9120 W. Post Road, Suite 100 Las Vegas, NV 89148 <i>Attorneys for Defendant Airmotive Investments, LLC</i></p>	<p><u>/s/ Jared M. Sechrist, Esq.</u> MELANIE D. MORGAN, ESQ. Nevada Bar No. 8215 JARED M. SECHRIST, ESQ. Nevada Bar No. 10439 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134 <i>Attorneys for Plaintiff Nationstar Mortgage, LLC</i></p>

IT IS SO ORDERED.

DATED: April 25, 2019



JUDGE, UNITED STATES DISTRICT COURT